

## Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 229867

21

ORIGIN COME-00

INFO OCT-01 AF-08 NEA-10 ISO-00 EB-07 HEW-04 /030 R

DRAFTED BY COM/BIEPR/OTP/DND/GREDDING

APPROVED BY EB/OCA/CMJJREILLY

COM/IEPR/DND:LJMURPHY:MKTHOMPSON COM/IEPR/TNAD:ARYDER

COM/BIC/OIM:BDLE FDA/BF/DRG:JPERRET PHONE

EB/OT/TA:RWHITE PHONE AF/W:RKOTT SUBS

EB/OT/GCP:JSLATTERY PHONE:RREIS AF:LWHITE INFO

----- 037950

P 170048Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY LAGOS PRIORITY

INFO AMEMBASSY TEHRAN PRIORITY

LIMITED OFFICIAL USE STATE 229867

E.O. 11652: N/A

TAGS: ETRD, NI

SUBJECT: FREE SALE CERTIFICATES

REF: A. LAGOS 9022 B. LAGOS 6295

1. IN LIGHT OF POTENTIALLY DISRUPTIVE EFFECTS OF FMG FOOD AND DRUG DECREE (NO. 35) 1974, DISCUSSED REFTELS, REQUEST EMBASSY APPROACH APPROPRIATE OFFICIALS OF FEDERAL MINISTRY OF HEALTH WITH FOLLOWING POINTS REGARDING NIGERIAN REQUIREMENTS AND CURRENT U.S. PROCEDURES.

2. THE USG VIEWS WITH CONCERN THE POSSIBILITY THAT THESE REGULATIONS COULD RESTRICT TRADE BETWEEN THE U.S. AND NIGERIA THROUGH CREATION OF NONTARIFF BARRIER ON U.S. EXPORTS OF FOOD, DRUGS, COSMETICS AND RELATED ARTICLES. CONSEQUENTLY, THE USG SEEKS TO OBTAIN FMG APPROVAL OF PROCEDURES CURRENTLY IN USE WITH OTHER U.S. TRADING PARTNERS

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 229867

REQUIRING FREE SALE CERTIFICATES. FYI ONLY. U.S. MANU-

FACTURERS CANNOT OBTAIN VERIFICATION FROM THE USG THAT ALL EXPORTS COMPLY WITH ALL U.S. LAWS, STANDARDS, AND CODES ON A SHIPMENT-BY-SHIPMENT BASIS. END FYI.

3. REQUIREMENTS IMPOSED BY FMG ARE SIMILAR TO RULES ESTABLISHED BY A NUMBER OF COUNTRIES, INCLUDING SOME IN LATIN AMERICA AND, RECENTLY, IRAN. SOME FOREIGN GOVERNMENTS HAVE ACCEPTED AN AFFIDAVIT SIGNED BY THE MANUFACTURER AND NOTARIZED BY THE IMPORTING COUNTRY'S CONSULATE EMBASSY IN THE U.S. AFFIDAVIT ATTESTS TO COMPLIANCE OF GOODS WITH ALL FEDERAL, STATE, AND LOCAL LAWS, AND TO FACT THAT GOODS CAN BE FREELY SOLD IN THE U.S. (THIS AFFIDAVIT WOULD SUPPLEMENT MANUFACTURER'S CERTIFICATE CONCERNING STANDARDS AND CODES REQUIRED BY SECTION 8, SUBSECTION 2A OF DECREE.) MANUFACTURER BEARS COMPLETE RESPONSIBILITY FOR STATEMENT, WHILE CONSULATE/EMBASSY MERELY CERTIFIES THAT STATEMENT WAS INDEED MADE BY MANUFACTURER. IN SOME CASES IT MAY BE POSSIBLE FOR LOCAL CHAMBER OF COMMERCE TO NOTARIZE STATEMENT AND THEN HAVE CONSULATE/EMBASSY CERTIFY AUTHENTICITY OF CHAMBER'S SEAL. FMG SHOULD BE URGED TO ACCEPT SOME FORM OF THIS PROCEDURE IN ORDER TO FACILITATE TRADE AND AVOID CREATION OF NONTARIFF BARRIER.

4. FYI ONLY. SHOULD THE FMG FLATLY REFUSE THIS PROCEDURE THE ONLY VIABLE ALTERNATIVE PRESENTLY AVAILABLE FOR U.S. MANUFACTURERS REQUIRES THE MANUFACTURER TO SUBMIT TO THE U.S. FOOD AND DRUG ADMINISTRATION (FDA) COMPLETE INFORMATION PERTAINING TO COMPOSITION OF PRODUCT, METHOD OF PREPARATION, AND LABELING. IF THE PRODUCT COMPLIES WITH THE U.S. FOOD AND DRUG REGULATIONS, A LETTER STATING THAT THE FDA HAS NO ADVERSE COMMENT IS ISSUED TO THE MANUFACTURER. THIS EVALUATION DOES NOT RPT NOT GUARANTEE THE QUALITY OF ANY INDIVIDUAL BATCH OR SHIPMENT. INTERESTED THIRD PARTIES, SHIPPER OR IMPORTER, CAN REQUEST A QUOTE CERTIFIED COPY UNQUOTE OF THIS LETTER BEARING THE OFFICIAL SEAL OF FDA. THIS PROVIDES AN OFFICIAL COPY OF A LETTER HELD IN FDA'S FILES, BUT DOES NOT RPT NOT CERTIFY THE PRODUCT ITSELF. END FYI. HABIB

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, IMPORT CONTROLS, FOODS, CHEMICALS, COMMODITY AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 SEP 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** SmithRJ  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE229867  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** BIEPR/OTP/DND/GREDDING  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760350-1273  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760948/aaaabovp.tel  
**Line Count:** 98  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN COME  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 LAGOS 9022  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** SmithRJ  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 10 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <10 JUN 2004 by greeneet>; APPROVED <14 OCT 2004 by SmithRJ>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** FREE SALE CERTIFICATES  
**TAGS:** ETRD, NI  
**To:** LAGOS  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006